

MS#164031.1 (MSFT 4934)
PATENT**REMARKS**

Applicants have thoroughly considered the Office action and have amended the application to more clearly set forth the invention. Claims 1-3, 5-31 and 33-51 are presented in the application for further examination. Claims 1, 9, 13, 14, 17, 25, 27, 29, 34, 37, 43 and 48 have been amended by this Amendment C. Reconsideration of the application as amended and in view of the following remarks is respectfully requested. No new matter has been added.

Claims 1-31 and 33-51 stand rejected under 35 USC 102(e) as being anticipated by Fry (6,496,938). Applicants submit that Fry is deficient for at least the following reasons.

FRY DOES NOT DISCLOSE OR TEACH DRIVER-BASED SUSPENSION.

As recited in claims 1 and 34 and the claims depending therefrom, the method and executable components of the invention are driver-based. For example, claim 1 recites determining via a driver and sending an idle request from the driver. Claim 34 recites a driver component. In contrast, Fry teaches and illustrates that CRL2 40 aggressively controls and "If any PCI device 23 which does not respond by asserting its individual copy of the CLKRUN# signal 28 (i.e., CLKRUN# 28A, 28B or 28C) to indicate that it is active, then that PCI device 23 will not be considered idle." (Fry, column 7, lines 36 and 58-62). Thus, Fry teaches that the PCI devices are responsive to the CRL2 and do not determine via a driver or do not have a driver component.

This driver based subject matter was previously presented in at least claim 4, which has been canceled. The Examiner rejected claim 4 on the basis that CLR2 40 is a driver controlling the device, referencing column 8, lines 28-59. However, CLR2 is a low-cost ASIC which controls the clock control architecture—see column 7, lines 19-41. At best, CLR2 is a class driver, not a device driver. As noted in para. 8 of the application, the invention abstracts the variations among different controllers away from the class driver. In contrast, the claims recite a device driver which, in one form, is a device specific control program that enables a computer to work with a particular device. Accordingly, the Examiner is requested to withdraw the rejection of claims 1 and 34 and the claims depending therefrom.

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PATENT**FRY DOES NOT DISCLOSE OR TEACH SUSPENDING ONLY WHEN ALL OF THE CHILD NODES ARE READY TO BE SUSPENDED.**

As recited in claims 9, 13, 14, 25, 27, 43 and 48 and the claims depending therefrom, according to the method and executable components of the invention, a device is suspended only when all of its child nodes are ready to be suspended.. For example, claim 9 recites that the device is ready to be suspended only when all of the child nodes thereof are ready. Similarly, claim 25 recites that suspending the device when an idle request has been received from the device and all of its child devices. In contrast, Fry fails to recognize the need for considering child devices and teaches and illustrates that the PCI devices are independent of each other (Fry, column 7, lines 65-67). Thus, Fry does not recognize that the PCI devices may have child nodes.

This subject matter was previously presented in at least claim 9. The Examiner rejected claim 9 on the basis that such subject matter was inherent, referencing column 6, line 62 to column 7, line 3. However, this section of Fry has nothing to do with suspending child nodes. The Applicants hereby challenge the Examiner's assertion of inherency. In view of this challenge, the Examiner must cite a reference to support the assertion of inherency or withdraw the rejection, as required by MPEP 2143 and 2144, particularly 2144.03(C).

Accordingly, it is submitted that claims 9, 13, 14, 25, 27, 43 and 48 and the claims depending therefrom are patentable.

FRY DOES NOT DISCLOSE OR TEACH NON-SELECTIVE SUSPENSION.

As recited in claims 1, 17, 25, 27, 29, 34, 37 and 43 and the claims depending therefrom, the method and executable components of the invention no longer recite selective suspension as "selectively" has been deleted from the claims. For example, independent claims 1, 25, 34 and 43 recite executing the callback function to suspend the device or suspending device when an idle request has been received. In contrast, Fry fails to recognize suspending in this context and teaches and illustrates that the PCI devices are "considered idle" (see, for example, Fry, column 7, line 62). Thus, Fry does not teach non-selective suspension. Accordingly, it is submitted that 1, 17, 25, 27, 29, 34, 37 and 43 and the claims depending therefrom are patentable.

Applicants note that the Fry reference issued December 17, 2002, which is after the filing date of this application. Thus, Fry has an effective date of February 11, 2000, i.e., its filing date. Applicants reserve the right to file a Rule 131 affidavit establishing an invention date that

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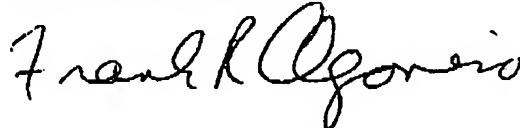
precedes the effective date of February 11, 2000.

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PATENT**CONCLUSION**

The Applicants wish to expedite prosecution of this application. If the Examiner deems the claims as amended to not be in condition for allowance, the Examiner is invited and encouraged to telephone the undersigned to discuss making an Examiner's amendment to place the claims in condition for allowance.

The Commissioner is hereby authorized to charge any deficiency or overpayment of any required fee during the entire pendency of this application to Deposit Account No. 19-1345.

Respectfully submitted,



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